

STATE OF ARKANSAS

VOTER RIGHTS

Election Day Polls Are Open from 7:30 a.m. to 7:30 p.m.

YOU MAY VOTE IF:

You are a registered voter in Arkansas. New voters must register in their county at least 30 days before the election. If you are moving from one county to another within the state, you must transfer your registration to your new county at least 4 days before the election.

Other Qualifications

- A U.S. citizen;
- An Arkansas resident;
- Age 18 or you will be 18 before the next election;
- Not a convicted felon who has not been discharged or pardoned;
- Not presently adjudged as mentally incompetent as to your ability to vote by a court of competent jurisdiction; and
- Not claiming the right to vote elsewhere – in another county in Arkansas or another state.

ID REQUIREMENTS FOR FIRST-TIME VOTERS WHO REGISTERED BY MAIL

If you registered to vote by mail after January 1, 2003, did not submit a copy of the required identification with the application, and are voting in an election for federal office for the first time in the state,

You Are Required To:

Present a valid Arkansas Driver's License or photo identification, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows your name and address to the election officials before being permitted to vote.

If you do not present a required form of identification and you registered to vote by mail after January 1, 2003, you may vote a Provisional Ballot.

FAIL SAFE VOTING

When your current address differs from what appears on the Precinct Voter Registration List:

- The election official must contact the county clerk, and
- The county clerk must verify that your address is within the precinct.

When your new address is within the current voting precinct:

- You must complete the change of address portion of a voter registration application form to update county voter registration records.

When your new address is not within the current voting precinct:

- You must contact the county clerk to determine the proper voting precinct, and you must then go to the proper new polling site to complete the change of address portion of a voter registration application form to update county voter registration records and to vote.

When your name is NOT on the Precinct Voter Registration List:

- You must identify yourself by name and date of birth and you must be verified by the county clerk as a registered voter within the county.

- You must give and affirm your current address, and the election official must verify with the county clerk that the residence is within the voting precinct.
- You must complete an updated voter registration application, and
- You must sign the Precinct Voter Registration List.

When your name differs from the Precinct Voter Registration List:

- You must complete a voter registration application form to update county voter registration records.

When your name is NOT on the Precinct Voter Registration List AND the election official cannot confirm your registration and when you are a first-time voter without proper identification:

- You may vote a Provisional Ballot after signing a written eligibility affirmation in the presence of the election official that you are a registered voter in the precinct in which you desire to vote and that you are eligible to vote in that election.

CASTING A PROVISIONAL BALLOT IF REGISTRATION STATUS CANNOT BE CONFIRMED OR IF THE VOTER DID NOT COMPLY WITH THE ID REQUIREMENT

1. The election official shall request the voter to provide a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter. If the voter fails to provide this identification, the election official shall note such failure on the list of provisional voters.
2. The election official shall write the voter's name and address on the list of provisional voters.
3. The election official shall provide the voter a "Provisional Voter Envelope" and have the voter complete the affirmation portion affirming that he or she is a registered voter in the precinct and is eligible to vote in the election.
4. When the affirmation is completed, the election official shall initial the back of the ballot, remove the ballot stub and place it in the ballot stub box then provide the requested ballot to the voter.
5. After marking the ballot, the voter shall place the ballot in the envelope marked "Provisional Ballot" and seal the envelope (nothing else goes in this envelope).
6. The voter shall then place the sealed "Provisional Ballot" envelope into the "Provisional Voter Envelope," seal it, and give it to the election official.
7. The election official shall provide the voter with written information instructing the voter on how to determine whether or not the provisional vote was counted and, if not, the reason the vote was not counted.

CHALLENGED BALLOT PROCEDURE

1. A poll watcher must notify an election official of a challenge before the voter signs the precinct voter registration list. The poll watcher must complete the challenged ballot portion of the "Provisional Voter Envelope," the voter must complete the voter eligibility affirmation portion of the Provisional Voter Envelope and the ballot must be treated as a "Provisional Ballot."
2. The election official shall write the voter's name and address on the list of provisional voters.
3. The election official shall initial the back of the ballot, remove the stub, then place the stub in the stub box provided.
4. The provisional voter shall vote his/her ballot.
5. The provisional voter shall place his/her voted ballot into the envelope marked "Provisional Ballot" and seal the envelope (nothing else goes in this envelope).
6. The provisional voter shall place the sealed "Provisional Ballot" envelope, containing his/her voted provisional ballot, into a "Provisional Voter Envelope," seal it, and give it to the election official.

7. The election official shall provide the voter with written information instructing the voter on how to determine whether or not the provisional vote was counted, and, if not, the reason the vote was not counted.

YOUR RIGHTS AS A VOTER

You may vote absentee if you will be ill or absent from your polling place on Election Day. Call your county clerk for details.

You may vote in person 15 days before a preferential primary or general election or 7 days before other elections. Call your county clerk for details.

If you need assistance in voting, you may use a voting machine accessible to persons with disabilities [A.C.A. 7-5-310] or you have the right to be assisted by the person of your choice, who may not comment on or interpret your choices, or by two poll workers, one of whom shall assist with voting without comment or interpretation and the other of whom must observe. [ACA 7-5-310, 311; 42 U.S.C. 1973aa-6]

If you are confined to a wheelchair or have any other physical, mental or sensory impairment, you have the right to have your polling site be accessible. [ACA 7-5-310-311]

Jurisdictions must take steps to make the registration and voting process accessible to the elderly and to individuals with disabilities. [42 U.S.C. 1973ee-1, 1973ee-2, 1973ee-3]

If you are otherwise qualified to vote in an election for President or Vice-President, you may not be denied the right to vote for those offices due solely to a failure to satisfy a durational residency requirement. [42 U.S.C. 1973aa-1]

You are entitled to notice of the disposition of your voter registration application. [42 U.S.C. 1973gg-6(a)(2)]

Jurisdictions must not apply standards or practices which deny or abridge the right to vote on account of race, must not deny any individual the right to vote on account of errors or omissions in registration applications which are not material to determining whether such individual is qualified to vote, and must not apply different standards and procedures to voters in determining whether they are qualified to vote. [42 U.S.C. 1971(a); 1973]

Persons must not intimidate, threaten or coerce any other person: for registering or voting; for urging or aiding persons in registering or voting; for purposes of interfering or influencing how a person chooses to vote or not vote; or for purposes of preventing a person from voting. [ACA 7-1-103(5)] [42 U.S.C. 1971(b), 1973i(b), 1973gg-10(1); 18 U.S.C. 241, 242, 245, 594]

Election officials must not fail or refuse to permit a person to vote who is entitled to vote and must not refuse to tabulate, count and report such person's vote. [ACA 7-1-103(6)] [42 U.S.C. 1973i(a); 18 U.S.C. 241, 242, 608(a)]

Election officials must not deny persons of any right secured by the 26th Amendment to the U.S. Constitution (regarding not denying the right to vote to citizens 18 years of age and older on account of age). [42 U.S.C. 1973bb]

Election officials must retain and preserve for 22 months after any election that includes a federal candidate all records and papers relating to registration and voting in that election. [42 U.S.C. 1974]

Voters who vote in an election for federal office after the established time for polls to close due to a court order or other order requiring the polls to remain open extended hours will have to vote by provisional ballot (unless those voters were in line at the time polls closed). [42 U.S.C. 15482(c)]

Voters who are otherwise qualified to register and vote may be entitled to register and vote absentee in an election for federal office if they are in the military or are residing overseas. [42 U.S.C. 1973ff-1]

Voters in jurisdictions with a statutorily-specified minimum number of language minority voters may be entitled to receive a written ballot or other election materials or assistance in a language other than English. [42 U.S.C. 1973b(f)(4), 1973aa-1a]

Contact Information

STATE CONTACTS

Arkansas Secretary of State’s Office.....800-247-3312

Arkansas State Board of Election Commissioners..... 800-411-6996

FEDERAL CONTACTS

The Voting Section
Civil Rights Division
U.S. Department of Justice..... 202-307-3266

U.S. Attorney’s Office
(LittleRock).....501-340-2600
(Ft. Smith).....479-783-5125

LOCAL CONTACTS

For information on how to contact your local County Clerk, County Board of Election Commissioners or your local Prosecuting Attorney, call the Arkansas Secretary of State’s office at the number listed above.